

AMENDMENT NO. 3625

At the request of Mr. PRYOR, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 3625 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

AMENDMENT NO. 3649

At the request of Mr. KERRY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of amendment No. 3649 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JOHNSON (for himself, Mr. COLEMAN, Mr. HARKIN, and Mr. MENENDEZ):

S. 2352. A bill to amend title XVIII of the Social Security Act to provide Medicare beneficiaries greater choice with regard to accessing hearing health services and benefits; to the Committee on Finance.

Mr. JOHNSON. Mr. President, I am pleased to introduce the Medicare Hearing Health Care Enhancement Act with my colleagues, Senators HARKIN, COLEMAN, and MENENDEZ. This legislation is the companion bill to legislation introduced in the House by Representative MIKE ROSS, with a number of cosponsors.

This legislation will provide Medicare beneficiaries with the same hearing care options available to veterans and Federal employees, including every member of this body. Under this bill, Medicare beneficiaries who experience hearing problems will have the option of going directly to an audiologist, rather than first visiting a physician. This is the policy for the health care programs administered by the Department of Veterans Affairs and the Office of Personnel Management. Direct access works well for our veterans and for Federal employees, including Members of Congress, and direct access should be available to senior citizens in the Medicare program.

More than 31 million Americans have some type of hearing problem, making hearing loss the third most common health problem in the U.S. Many of them are older Americans, and this statistic is fast increasing with the aging of the "baby boomers." Yet half of all hearing impaired persons are under age 65. With 80 to 90 percent of hearing problems not medically or surgically treatable, it seems only reasonable that Medicare patients be allowed to consult with an audiologist without first seeing another health care provider. It is part of regular audiological practice to refer patients for medical management when clinical indicators are present.

In 1992, the Department of Veterans Affairs, VA, changed its health care

policy to allow for the option of direct access to a licensed audiologist. The VA reports: "the policy has provided and continues to provide high quality, cost effective, and successful hearing health care to veterans." The VA did not experience increased utilization of audiology services due to the policy change and instead found, "the policy did not increase the number of visits beyond what would be expected in the aging veteran population."

In 2003, the Congress in the Appropriations Conference Report number 108-10 recommended that the Center for Medicare and Medicaid Services make this change. We have since learned that CMS does not have the authority to do so under current law. Therefore, I hope that we can all agree that this is a common sense idea whose time has come, and move this legislation forward to enactment.

Direct access would facilitate access to hearing care without expanding the scope of practice for audiologists. This legislation will make it easier for Medicare beneficiaries, particularly in rural America, to have the same high quality hearing care provided by the VA and OPM. It is also important to point out that both the Medicare and Medicaid programs now recognize State licensure as the appropriate standard for determining who is a qualified audiologist.

This legislation enjoys the support of a large number of organizations including the American Academy of Audiology, the American Speech-Language and Hearing Association, the National Association of the Deaf and the National Rural Health Association. I commend this legislation to the attention of my colleagues and urge them to lend their support by cosponsoring this bill.

By Mr. DURBIN:

S. 2353. A bill to increase the annual salaries of justices and judges of the United States, and to increase fees for bankruptcy trustees; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2353

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Judicial Compensation Act of 2007".

SEC. 2. JUDICIAL SALARY INCREASE.

(a) IN GENERAL.—The annual salaries of the Chief Justice of the United States, associate justices of the Supreme Court of the United States, United States circuit judges, United States district judges, and judges of the United States Court of International Trade are increased in the amount of 16.5 percent of their respective annual salary rates in effect on the effective date of this Act, rounded to the nearest \$100 (or, if midway between multiples of \$100, to the next higher multiple of \$100).

(b) COORDINATION RULE.—If a pay adjustment under subsection (a) is to be made for an office or position as of the same date that any other pay adjustment would take effect for such office or position, the adjustment under this Act shall be made first.

(c) EFFECTIVE DATE.—This section shall take effect on the first day of the first applicable pay period beginning on or after the date of enactment of this Act.

SEC. 3. BANKRUPTCY TRUSTEES.

Section 330(b)(2) of title 11, United States Code, is amended, in the undesignated matter following subparagraph (B), by striking "\$15" each place that term appears and inserting "\$55".

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

By Ms. CANTWELL:

S. 2355. A bill to amend the National Climate Program Act to enhance the ability of the United States to develop and implement climate change adaptation programs and policies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. CANTWELL. Mr. President, I rise today to introduce the Climate Change Adaptation Act of 2007.

Before I describe the merits of this bill, I would like to take a moment to commend many of my colleagues for their ongoing efforts to develop legislative solutions to meet the enormous challenges global warming poses to our Nation and our planet. I feel this bill helps address a somewhat overlooked, but key tool, to tackling this preeminent challenge facing our Nation.

I am proud that Washington State is taking the lead on the issue of global climate change. While my State's contribution to global warming is relatively small—because we are fortunate enough to derive about 70 percent of our electricity from inexpensive, emissions-free hydropower—global warming threatens to seriously impact our economy.

Ironically, one of the primary impacts of global warming on the Pacific Northwest will be to change our rainfall patterns in a way that reduces the amount of water available for hydropower production.

And these changes will not only harm electricity generation, they will also impact billions of dollars of economic infrastructure associated with irrigation systems, municipal water supplies, even ski resorts that depend on our historic snowfall patterns.

Faced with these possibilities, we must ask several simple questions: What are we doing to prepare for these changes? How are predicted sea level rises being incorporated into shoreline restoration projects, siting of public infrastructure, or disaster response plans, among many other examples? What tools do we need to give Federal, State, and local decisionmakers to take climate change into account on long-term, multibillion-dollar decisions?

Unfortunately, we don't have any answers.

As we discovered when I held a hearing on ocean acidification as chair of the Oceans, Atmosphere, Fisheries and Coast Guard subcommittee last May, our Government is ill-equipped to plan for the consequences of global climate change. We simply lack the tools to develop the strategies we need to adapt.

In August, the Government Accountability Office found that the Federal government is not providing Federal agencies with the proper tools or policy mandates to take climate change impacts into account in carrying out their responsibilities to manage public resources.

In September, the National Academy of Sciences concluded there is a tremendous need to improve the delivery of climate change information to Federal, regional, and local levels so they can take climate change impacts into account in planning and managing resources.

The reality is that even if we were somehow able to stop using fossil fuels today, a certain degree of warming and ocean acidification will still occur over the next 2 or 3 decades.

While my top priority is to move our Nation to a clean energy system, we must face the fact that global warming is happening already, and it is only going to get worse.

That is why I am pleased today to be introducing the Climate Change Adaptation Act—a bill to ensure that our government plans for the changes that global warming will inevitably bring. This bill will require the President to develop a national strategy for addressing the impacts that climate change will have on our natural resources. It will also specifically require NOAA to conduct vulnerability assessments on the impacts of climate change on coastal and ocean resources, and to prepare adaptation plans for those resources.

Planning for the future isn't just common sense—it's responsible government.

This bill is complementary to several bills under consideration by the Commerce Committee on which I serve, including the Kerry-Snowe bill that was under discussion at a Commerce Committee hearing earlier today. Their bill contains many provisions I believe are vitally important—including language I authored with Senator COLLINS on the need for a program to study the threat of abrupt climate change. I'm also proud to work with Senator LAUTENBERG on legislation combating ocean acidification.

I look forward to working with my colleagues to move all these critical bills out of the committee and through the Senate in the coming weeks.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2355

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Climate Change Adaptation Act".

SEC. 2. AMENDMENT OF NATIONAL CLIMATE PROGRAM ACT.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Climate Program Act (15 U.S.C. 2901 et seq.).

SEC. 3. FINDINGS.

Section 2 (15 U.S.C. 2601) is amended to read as follows:

"SEC. 2. FINDINGS.

"The Congress finds that—

"(1) weather, climate change, and climate variability affect public safety, environmental services and security, human health, agriculture, energy use, water resources, and other factors vital to national security and human welfare;

"(2) the present rate of advance of national efforts in research and development and the application of such advances is inadequate to meet the challenges posed by observed and projected rates of climate change and climate variability and the increasing demand for information to guide planning and response across all sectors;

"(3) the United States lacks adequate research, infrastructure, and coordinated outreach and communication mechanisms to meet national climate monitoring, prediction, and decision support needs for adapting to and mitigating the impacts of climate change and climate variability;

"(4) information regarding climate change and climate variability is not being fully disseminated or used, and Federal efforts have given insufficient attention to assessing and applying this information;

"(5) climate change and climate variability occur on a global basis making international cooperation essential for the purpose of sharing the benefits and costs of a global effort to understand and communicate these changes;

"(6) recent scientific reports by the Intergovernmental Panel on Climate Change conclusively found that climate change is occurring, and that impacts from climate change can be expected in even shorter time periods than had been previously predicted;

"(7) the Panel found that the resilience of many ecosystems is likely to be exceeded this century by an unprecedented combination of climate change, associated disturbances such as flooding and drought, and other global change drivers such as land-use change;

"(8) according to the Panel, approximately 20 to 30 percent of plant and animal species assessed so far are likely to be at increased risk of extinction if increases in global average temperature exceed 1.5 to 2.5 degrees Celsius;

"(9) the Panel also found that the progressive acidification of oceans due to increasing atmospheric carbon dioxide is expected to have negative impacts on marine shell-forming organisms, such as corals, and their dependent species;

"(10) the Panel found that coasts will be exposed to increasing risks, including coastal erosion, over coming decades due to climate change and sea-level rise, and that adaptation costs for vulnerable coasts are much less than the costs of inaction;

"(11) in its September, 2007, study entitled Evaluating Progress of the U.S. Climate Change Science Program: Methods and Preliminary Results, the National Academy of Sciences concluded that there is a tremendous need to improve the delivery of information to decision makers at the Federal, regional, and local levels on climate change impacts and to take such impacts into account in planning and in managing resources;

"(12) States and local communities may need Federal assistance in developing and implementing strategies to address the impacts of climate change;

"(13) in its August, 2007, report entitled Climate Change: Agencies Should Develop Guidance for Addressing the Effects on Federal Land and Water Resources, GAO-07-863, the Government Accountability Office found that the Federal government is not providing the National Oceanic and Atmospheric Administration and other Federal agencies that are responsible for managing natural resources with the proper tools or policy mandates to take the impacts of climate change into account in carrying out their responsibilities to manage public resources;

"(14) the National Oceanic and Atmospheric Administration, which plays a leading role in the Federal government's Global Change Research Program, has a key role to play both in predicting impacts of climate change on natural resources and in improving the delivery of information critical to adaptation and management to end users; and

"(15) the National Oceanic and Atmospheric Administration has a key role to play in addressing the impacts of climate change on our Nation's coastal areas and ocean resources."

SEC. 4. DEFINITIONS.

Section 4 (15 U.S.C. 2903) is amended by striking paragraphs (1) and (2) and redesignating paragraphs (3) and (4) as paragraphs (1) and (2).

SEC. 5. NATIONAL CLIMATE PROGRAM ELEMENTS.

Section 5 (15 U.S.C. 2904) is amended—

(1) by striking "subsection (d)(9);" in subsection (b)(1) and inserting "section 6;"

(2) by striking subsections (c), (e), (f), and (g); and

(3) by striking subsection (d) and inserting the following:

"(c) PROGRAM ELEMENTS.—

"(1) IN GENERAL.—The Program shall include—

"(1) a strategic plan to address the impacts of climate change within the United States; and

"(2) a National Climate Service to be established within the National Oceanic and Atmospheric Administration."

SEC. 6. NATIONAL CLIMATE STRATEGY.

The Act is amended by striking sections 6 through 9 (15 U.S.C. 2905 et seq.) and inserting the following:

"SEC. 6. NATIONAL STRATEGIC PLAN FOR CLIMATE CHANGE ADAPTATION.

"(a) IN GENERAL.—Not later than 2 years after the date of enactment of the Climate Change Adaptation Act, the President shall provide to the Congress a 5-year national strategic plan to address the impacts of climate change within the United States, to implement such strategy for Federally-managed resources and actions, and to provide information to and coordinate with State and local governments and nongovernmental entities to support similar efforts with respect to non-Federal natural resources. The President shall provide a mechanism for consulting with States and local governments, the private sector, universities, and other nongovernmental entities in developing the plan. The plan shall be updated at least every 5 years.

"(b) CONTENTS OF PLAN.—The plan shall, at a minimum—

"(1) identify existing Federal requirements, protocols, and capabilities for addressing climate change impacts on Federally managed resources and actions;

“(2) identify measures to improve such capabilities and the utilization of such capabilities;

“(3) include protocols to integrate climate change impacts into Federal agency actions and policies, consistent with existing authorities;

“(4) address vulnerabilities and priorities identified through the assessments carried out under the Global Change Research Act of 1990 and this Act;

“(5) establish a mechanism for the exchange of information related to addressing the impacts of climate change with, and provide technical assistance to, State and local governments and nongovernmental entities;

“(6) develop partnerships with State and local governments and nongovernmental entities to support and coordinate implementation of the plan;

“(7) include implementation and funding strategies for short-term and long-term actions that may be taken at the national, regional, State, and local level;

“(8) establish a process to develop more detailed agency and department-specific plans;

“(9) identify opportunities to utilize remote sensing and other geospatial technologies to improve planning for adaptation to climate change impacts; and

“(10) identify existing legal authorities and additional authorities necessary to implement the plan.

“(C) AGENCY-LEVEL STRATEGIES.—

“(1) AGENCY PLANS.—Each department and agency of the Executive Branch shall develop a detailed plan, based on the national plan, for addressing climate change impacts with respect to such department or agencies policies and actions, within 1 year after the date that the plan is submitted under subsection (b) and provide such plan to Congress.

“(2) INTERIM ACTIVITIES.—Nothing in this section shall be understood to prevent any Federal agency or department to take climate change impacts into account, consistent with its existing authorities, until the plans are provided to Congress and steps to implement such plans are taken.

“(d) COORDINATION.—The President shall ensure that the mechanism to provide information related to addressing the impacts of climate change to State and local governments and nongovernmental entities is appropriately coordinated or integrated with existing programs that provide similar information on climate change predictions.

“(e) RELATIONSHIP TO OTHER AUTHORITIES.—Nothing in this section shall supersede any Federal authority in effect on the date of enactment of the Climate Change Adaptation Act.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2009 through 2013 \$10,000,000 to carry out this section.

“SEC. 7. OCEAN AND COASTAL VULNERABILITY AND ADAPTATION.

“(a) COASTAL AND OCEAN VULNERABILITY.—

“(1) IN GENERAL.—Within 2 years after the date of enactment of the Climate Change Adaptation Act, the Secretary of Commerce shall, in consultation with the appropriate Federal, State, and local governmental entities, conduct regional assessments of the vulnerability of coastal and ocean areas and resources to hazards associated with climate change, climate variability, and ocean acidification including—

“(A) sea level rise;

“(B) fluctuation of Great Lakes water levels;

“(C) increases in severe weather events;

“(D) storm surge;

“(E) rainfall;

“(F) flooding and inundation;

“(G) changes in sea ice;

“(H) changes in ocean currents impacting global heat transfer;

“(I) increased siltation due to coastal erosion;

“(J) shifts in the hydrological cycle;

“(K) natural hazards, including tsunami, drought, flood, and fire;

“(L) coral reef bleaching; and

“(M) alteration of ecological communities, including at the ecosystem or watershed levels.

“(2) UPDATES.—The Secretary shall update such assessments at least once every 5 years.

“(3) REGIONAL COASTAL AND OCEAN ASSESSMENTS.—In preparing the regional coastal assessments, the Secretary shall take into account the information and assessments being developed pursuant to the Global Change Research Program. The regional assessments shall include an evaluation of—

“(A) physical, biological, and ecological impacts, such as coastal erosion, flooding and loss of estuarine habitat, saltwater intrusion of aquifers and saltwater encroachment, impacts on food web distribution, species migration, species abundance, and changes in marine pathogens and diseases;

“(B) social impacts associated with threats to and potential losses of housing, communities, and infrastructure; and

“(C) economic impacts on local, State, and regional economies, including the impact on abundance or distribution of economically important living marine resources.

“(b) COASTAL AND OCEAN ADAPTATION PLAN.—The Secretary shall, within 3 years after the date of enactment of the Climate Change Adaptation Act, submit to the Congress a national coastal and ocean adaptation plan, composed of individual regional adaptation plans that recommend targets and strategies to address coastal and ocean impacts associated with climate change, ocean acidification, sea level rise, and climate variability. The plan shall be developed with the participation of other Federal, State, and local government agencies that will be critical in the implementation of the plan at the State and local levels and shall take into account recommendations of the National Science Board in its January 12, 2007, report entitled Hurricane Warning: The Critical Need for a National Hurricane Research Initiative and other relevant studies, and not duplicate existing Federal and State hazard planning requirements. The Plan shall recommend both short- and long-term adaptation strategies and shall include recommendations regarding—

“(1) Federal flood insurance program modifications;

“(2) areas that have been identified as high risk through mapping and assessment;

“(3) mitigation incentives such as rolling easements, strategic retreat, State or Federal acquisition in fee simple or other interest in land, construction standards, and zoning;

“(4) land and property owner education;

“(5) economic planning for small communities dependent upon affected coastal and ocean resources, including fisheries;

“(6) coastal hazards protocols to reduce the risk of damage to lives and property, and a process for evaluating the implementation of such protocols;

“(7) strategies to address impacts on the most vulnerable living marine resources;

“(8) proposals to integrate measures into the actions and policies of the National Oceanic and Atmospheric Administration;

“(9) a plan for additional research and development of technologies and capabilities to address such impacts;

“(10) plans to pursue bilateral and multilateral agreements necessary to effectively address such impacts;

“(11) partnerships with States and nongovernmental organizations;

“(12) methods to mitigate the impacts identified, including habitat restoration measures; and

“(12) funding requirements and mechanisms.

“(c) TECHNICAL PLANNING ASSISTANCE.—The Secretary, through the National Oceanic and Atmospheric Administration, shall establish a coordinated program to provide technical planning assistance and products to coastal States and local governments as they develop and implement adaptation or mitigation strategies and plans. Products, information, tools and technical expertise generated from the development of the regional coastal and ocean assessments and the coastal and ocean adaptation plans will be made available to coastal States for the purposes of developing their own State and local plans.

“(d) COASTAL AND OCEAN ADAPTATION GRANTS.—

“(1) IN GENERAL.—The Secretary shall provide grants of financial assistance to coastal States with federally approved coastal zone management programs to develop and begin implementing coastal and ocean adaptation programs.

“(2) ALLOCATION OF FUNDS.—The Secretary shall distribute grant funds under paragraph (1) among coastal States in accordance with the formula established under section 306(c) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455(c)), adjusted in consultation with the States as necessary to provide assistance to particularly vulnerable coastlines.

“(3) MATCHING REQUIREMENT.—The Secretary shall make grants under paragraph (1) on a matching basis under which the ratio of Federal to State funds is—

“(A) 4 to 1 in the first fiscal year;

“(B) 2.3 to 1 in the second fiscal year;

“(C) 2 to 1 in the third fiscal year; and

“(D) 1 to 1 thereafter.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Under Secretary of Commerce for Oceans and Atmosphere \$35,000,000 for each of fiscal years 2009 through 2013 to carry out the provisions of this section, of which \$25,000,000 shall be available for grants under subsection (d) for each of such fiscal years. Not more than 75 percent of the amount available for grants under subsection (d) for any fiscal year may be used for grants relating to coastal impacts.”.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 378—RECOGNIZING AND THANKING ALL MILITARY FAMILIES FOR THE TREMENDOUS SACRIFICES AND CONTRIBUTIONS THEY HAVE MADE TO THE NATION

Ms. MURKOWSKI (for herself, Mr. AKAKA, Mr. STEVENS, Mr. BINGAMAN, Mr. ISAKSON, Mr. LOTT, Mr. DORGAN, Mr. BENNETT, Mr. SHELBY, Ms. MIKULSKI, Mr. ROBERTS, Mrs. DOLE, Mr. INOUE, Mr. LAUTENBERG, Mr. CASEY, Mr. OBAMA, Mr. BUNNING, Mr. INHOFE, Mr. DOMENICI, Mr. CRAPO, Mr. COLEMAN, Mr. GRAHAM, Mr. SALAZAR, Mr. BROWNBACK, Mr. VOINOVICH, Mr. NELSON of Florida, Mr. BIDEN, Mrs. CLINTON, Mr. CRAIG, Mr. MARTINEZ, Mr. MCCAIN, Mr. JOHNSON, Mrs. HUTCHISON,